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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,183	02/19/2004	Daniel Oas	SS-113	6191
35693	7590	11/30/2005		
THE SONI LAW FIRM 55 S. LAKE AVE SUITE 720 PASADENA, CA 91101			EXAMINER GROSSO, HARRY A	
			ART UNIT	PAPER NUMBER
			3727	
DATE MAILED: 11/30/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/783,183	Applicant(s) OAS, DANIEL	
	Examiner Harry A. Grosso	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 September 2005.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-9 and 16-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-9 and 16-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Trebitz et al (5,752,618) (Trebitz).

Trebitz discloses a container that can be used for drinking with a rim (28, Figure 1) connected to the container, the rim having a handle (46) and a clip (48) on the underside of the handle that is biased against the container when the handle and rim are connected to the container (column 4, lines 34-38). The rim, handle and clip are a unitary construction (column 3, lines 5-13).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 9 and 16-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (6,398,065) in view of Trebitz.

5. Regarding claims 6 and 9, Lewis discloses a drinking container (12, Figure 1) with an integral rim (15) and a handle (14) integrally formed with the rim. The container acts as a cup liner for the cup assembly (10, Figure 1, column 3, lines 40-45). Lewis

does not teach the use of a clip biased against the drinking container body. Trebitz discloses a container that can be used for drinking with a rim (28, Figure 1) connected to the container, the rim having a handle (46) and a clip (48) integrally formed with the rim (column 3, lines 5-13 and column 4, lines 49-51) with the clip located on the underside of the handle and biased against the container (column 4, lines 34-38) to act as a hand guard to protect the hand from direct contact with the container and help keep the handle in position. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a clip (48) on the underside of the handle that is biased against the container as disclosed by Trebitz in the container disclosed by Lewis to act as a hand guard to protect the hand from direct contact with the container and help keep the handle in position.

6. Regarding claims 16, 17, 18 and 20, Lewis discloses an insulated drinking container (10, Figure 1, column 3, lines 40-45), the outer shell (16) acting as an insulating layer, with a liner (12) having an integral rim (15) and a handle (14) integrally formed with the rim. Lewis does not teach the use of a clip biased against the drinking container body. Trebitz discloses a container that can be used for drinking with a rim (28, Figure 1) connected to the container, the rim having a handle (46) and a clip (48), integrally formed with the rim through injection molding (column 3, lines 5-13 and column 4, lines 49-51) with the clip located on the underside of the handle and biased against the container (column 4, lines 34-38) to act as a hand guard to protect the hand from direct contact with the container and help keep the handle in position. It would have been obvious to one of ordinary skill in the art at the time the invention was made

to have incorporated the use of a clip (48) on the underside of the handle that is biased against the container as disclosed by Trebitz in the container disclosed by Lewis to act as a hand guard to protect the hand from direct contact with the container and help keep the handle in position.

7. Regarding claims 19 and 21, Lewis discloses the container liner and rim are integrally formed with the handle through injection molding (column 4, lines 38-41).

8. Regarding claims 22 and 23, Lewis discloses a base (18, Figure 1) and an outer shell (16).

9. Regarding claim 24, Lewis discloses a drinking container with a handle rim and liner injection molded as a single piece (column 4, lines 38-41). Lewis does not teach the use of a clip. Trebitz discloses a rim with a handle and a clip formed together by injection molding. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of clip as disclosed by Trebitz in the container disclosed by Lewis as discussed above.

10. Regarding claim 25, Lewis discloses the single piece of claim 24, as modified, and the piece is connected to a drinking container body (16, Figure 1).

11. Regarding claim 26, Lewis discloses the single piece of claim 24, as modified, which is connected to the body 16 using a threaded cap (18, column 3, lines 59-63).

### ***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry A. Grosso whose telephone number is 571-272-4539. The examiner can normally be reached on Monday through Thursday from 7am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Nathan Newhouse  
Supervisory Patent Examiner  
Art Unit 3727

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